

FILED
Clerk
District Court

SEP 20 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

MICRO PACIFIC DEVELOPMENT
INC. d/b/a SAIPAN GRAND HOTEL
and ASIA PACIFIC HOTELS INC.

Defendant.

CIVIL ACTION NO. 04-0028

SECOND AMENDED COMPLAINT
Civil Rights
– Employment Discrimination

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Charging Party Julieta Torres, and other similarly situated individuals who were

1 adversely affected by such practices. As alleged below, defendant, **MICRO PACIFIC**
2 **DEVELOPMENT INC. d/b/a SAIPAN GRAND HOTEL (MPD Inc.)**, subjected the claimants
3 to a hostile work environment based on sex, female. Defendant **ASIA PACIFIC HOTELS INC.**
4 **(Asia Pacific)** is a successor to defendant MPD Inc.
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6 7 **JURISDICTION AND VENUE**

8 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343,
9 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and (3) of Title VII of the
10 Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §2000e-5(f)(1) and (3), and §102 of the
11 Civil Rights Act of 1991, 42 U.S.C. §1981a.
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13 2. The employment practices alleged to be unlawful were and are now being committed
14 in Saipan, Commonwealth of the Northern Mariana Islands, within the jurisdiction of the United
15 States District Court for the Northern Mariana Islands.
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17 18 **PARTIES**

19 3. Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the agency
20 of the United States of America charged with the administration, interpretation, and enforcement of
21 Title VII and is expressly authorized to bring this action by §706(f)(1) and (3) of Title VII, 42 U.S.C.
22 §2000e-5(f)(1) and (3).
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24 4. Defendant Asia Pacific is a successor to defendant MPD Inc., owns and operates the
25 Saipan Grand Hotel formerly owned and operated by Defendant MPD, and currently
26 employs at the Hotel Julieta Torres and some of the other employees on whose behalf
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1 this lawsuit is brought.

2 5. At all relevant times, Defendant MPD Inc. is and was a corporation doing business
3 in the Commonwealth of the Northern Mariana Islands, and has continuously had at
4 least 15 employees.

5 6. At all relevant times, Defendant Asia Pacific is and was a corporation doing business
6 in the Commonwealth of the Northern Mariana Islands, and has continuously had at
7 least 15 employees.

8 7. At all relevant times, Defendant MPD Inc. has continuously been an employer
9 engaged in an industry affecting commerce, within the meaning of §701(b), (g), and
10 (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

11 8. At all relevant times, Defendant Asia Pacific has continuously been an employer
12 engaged in an industry affecting commerce, within the meaning of §701(b), (g), and
13 (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

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18 **STATEMENT OF CLAIMS**

19 9. More than thirty days prior to the institution of this lawsuit, Julieta Torres filed a
20 charge of discrimination with the EEOC alleging violations of Title VII by Defendant
21 MPD. All conditions precedent to the institution of this lawsuit have been fulfilled.

22 10. Since at least November of 2001, Defendant MICRO PACIFIC DEVELOPMENT
23 INC. d/b/a SAIPAN GRAND HOTEL has engaged in unlawful practices at its Saipan
24 hotel in violation of §703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). These
25 practices, which began no later than November 2001 and continued on a regular
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1 basis, included subjecting Ms. Torres and other similarly situated individuals (the
2 harassed employees) to harassment on the basis of their sex, female, which created
3 an offensive, abusive, intimidating and hostile work environment. Ms. Torres and
4 others similarly situated were sexually harassed by a supervisor, assistant chief cook
5 Akira Ishikawa. The harassment included both verbal and physical acts. Mr.
6 Ishikawa made unwanted and offensive comments to the harassed employees
7 including commenting on their anatomies and asking for dates. His physical
8 harassment included exposing himself and groping genitals, breasts, and buttocks and
9 forcibly penetrating one employee's vagina and rectum with his fingers.
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12 11. The effect of the practices complained of in paragraph 310 above has been to deprive
13 Ms. Torres and other similarly situated individuals of equal employment
14 opportunities and to otherwise adversely affect them because of their sex, female.
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16 12. The unlawful employment practices complained of in paragraph 10 above were and
17 are intentional.

18 13. The unlawful employment practices complained of in paragraph 10 above were done
19 with malice and/or reckless disregard for the federally protected rights of Ms. Torres
20 and other similarly situated individuals.
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22 14. As MPD Inc.'s successor, Asia Pacific is liable for the discriminatory conduct of
23 MPD Inc.
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PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in harassment based on sex and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for their employees and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendant Employers to make whole Ms. Torres and other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, with interest, in amounts to be determined at trial.

D. Order Defendant Employers to make whole Ms. Torres and other similarly situated individuals by providing compensation for past and future non-pecuniary losses caused by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

E. Order Defendant Employers to pay Ms. Torres and other similarly situated individuals punitive damages for their malicious and reckless conduct described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems proper.

G. Award the Commission its costs in this action.

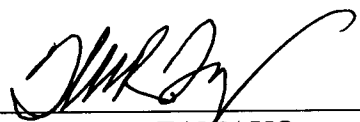
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

James L. Lee
Deputy General Counsel


Gwendolyn Young Reams
Associate General Counsel

Date: September 12, 2005




WILLIAM R. TAMAYO
Regional Attorney

Date: September 12, 2005



DAVID F. OFFEN-BROWN
Supervisory Trial Attorney

Date: September 12, 2005



LINDA ORDONIO-DIXON
Senior Trial Attorney

**Equal Employment Opportunity
Commission**

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CERTIFICATE OF SERVICE

I am a citizen of the United States employed in the County of San Francisco, over the age of 18 years and not a party to this action. My business address is the office of the United States Equal Employment Opportunity Commission, San Francisco District Office, 350 The Embarcadero, Suite 500, San Francisco, California 94105-1260.

On the date below, I sent by facsimile and placed a copy of:

- **Second Amended Complaint**

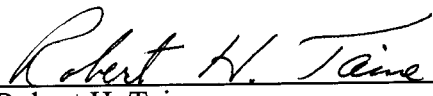
in a franked envelope, which I deposited in the United States Mail, addressed to:

Michael W. Dotts, Esq.
O'CONNOR BERMAN DOTT & BANDES
Second Floor, Nauru Building
P.O. Box 501969
Saipan, MP 96950-1969 - Fax No. (670) 234-5683

Colin M. Thompson, Esq.,
PMB 917 Box 10001
Saipan, MP 96950 - Fax No. (670) 233-0776

I certify under penalty of perjury that the above is true and correct.

DATED: September 12, 2005


Robert H. Taine
Legal Technician